

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL
DIVERSITY,

Plaintiff,

v.

U.S. DEPARTMENT OF THE
INTERIOR; S.M.R. JEWELL, in her
official capacity as Secretary of the
Interior; U.S. FISH AND WILDLIFE
SERVICE; DAN ASHE, Director of the
U.S. Fish and Wildlife Service,

Defendants,

CROPLIFE AMERICA,

Defendant-Intervenor.

CASE NO. 3:15-cv-658-JCS

**STATUS REPORT AND STIPULATION
FOR EXTENSION OF STAY**

Pursuant to the Court’s November 3, and December 15, 2015, Orders, Dkt. Nos. 65 and 67, Plaintiff, the Center for Biological Diversity, and Federal Defendants, the U.S. Department of the Interior, *et al.*, and Intervenor-Defendant CropLife America (“CropLife”) file the following status report and request an 18-day extension of the current stay to allow the Plaintiff and Federal Defendants to obtain final approvals of their proposed settlement agreement, and in support state:

1. The Parties filed their joint motion for a stay, Dkt. No. 64, on November 2, 2015. The Court granted a stay through January 2, 2016, to pursue settlement discussions. On December 15, 2015, the Plaintiff and Federal Defendants informed the Court that they had reached a settlement in principle and requested a 27-day extension of the stay through January

1 29, 2016, to finalize their review and obtain the authorization of the responsible officials at the
2 Departments of the Interior and Justice to enter into the settlement agreement. CropLife is aware
3 of the proposed settlement agreement and does not object to the requested extension of the
4 current stay.
5

6 2. The agreement in principle is currently undergoing final review and approval by
7 the appropriate supervisory officials at the Departments of Justice and the Interior. Due to the
8 holiday schedules of individuals at the Departments of the Interior and Justice, and the litigation
9 schedule of counsel for the government, including the need to finalize an *amicus* brief in *In re*
10 *Abbigail A.*, No. 220187 (Cal.), the Parties request an 18-day extension of the stay of this case,
11 through February 16, 2016, to allow time for the above-described activities.
12

13 3. This Court has authority to extend the current stay pursuant to its “inherent
14 authority to control its own docket and calendar.” *Yong v. INS*, 208 F.3d 1116, 1119 (9th Cir.
15 2000); *see also Landis v. North American Co.*, 299 U.S. 248 (1936).
16

17 4. The Parties also request a 45-day extension of the mediation deadline, which is
18 currently set for January 30, 2016 (Dkt. No. 52).

19 5. One week prior to the expiration of the requested stay, the Parties will file a status
20 report, including the need, if any, for a briefing schedule.
21

22 THEREFORE, in light of the above, the Parties request an 18-day extension of the stay of
23 this case through February 16, 2016, to permit the Parties to finalize their review and undertake
24 the approval process for the proposed settlement agreement, and also request a 45-day extension
25 of the mediation deadline.
26
27
28

1 Respectfully submitted this 22nd day of January,

2 Respectfully Submitted,

3 JOHN C. CRUDEN
4 Assistant Attorney General
5 SETH M. BARSKY, Chief
6 S. JAY GOVINDAN
Assistant Chief

7 */s/ J. Brett Grosko*

8

J. BRETT GROSKO (Md. Bar)
9 Trial Attorney
U.S. Department of Justice
10 Environment & Natural Resources Division
11 Wildlife & Marine Resources Section
Ben Franklin Station, P.O. Box 7611
12 Washington, DC 20044-7611
Phone: (202) 305-0342
13 Fax: (202) 305-0275
14 Email: brett.grosko@usdoj.gov

15 *Attorneys for Federal Defendants*

16
17 */s/ Collette Adkins (with permission)*

18

Collette Adkins (MN Bar # 035059X)
19 Justin Augustine (CA Bar # 235561)
20 CENTER FOR BIOLOGICAL DIVERSITY
SAN FRANCISCO BAY AREA OFFICE
351 California Street, Suite 600
21 San Francisco, CA 94104
22 Telephone: (415) 436-9682
Facsimile: (415) 436-9683'
23 cadkins@biologicaldiversity.org
24 jaugustine@biologicaldiversity.org
25 cadkins@biologicaldiversity.org

26 *Attorneys for Plaintiff*
27
28

/s/ Kirsten L. Nathanson (with permission)

CROWELL & MORING LLP

Kirsten L. Nathanson (DC Bar #463992)*
Thomas Lundquist (DC Bar # 968123)*
Sherrie A. Armstrong (DC Bar #1009642)*
1001 Pennsylvania Avenue, NW
Washington, DC 20004
T: (202) 624-2500 F: (202) 628-5116

CROWELL & MORING LLP

Tracy E. Reichmuth (SBN 215458)
275 Battery Street, 23rd Floor
San Francisco, CA 94111
T: (415) 365-7821 F: (415) 986-2827

**Admitted pro hac vice*

*Attorneys for Defendant-Intervenor
CropLife America*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/22/16

